

### **REMARKS**

The present Amendment is in response to the Office Action mailed December 5, 2007. Claims 1-8 and 43-48 are canceled, claims 60-65 are amended, and new claims 68-87 are added. Claims 60-87 are now pending in view of the above amendments.

Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references. In addition, Applicant requests that the Examiner carefully review any references discussed below to ensure that Applicant's understanding and discussion of the references, if any, is consistent with the Examiner's understanding.

#### **Rejection Under 35 U.S.C. §102(e)**

The Examiner rejects claims 60-67 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Pub. No. 2002/0229944 to Walker et al. ("*Walker*"). Applicant does not concede that *Walker* is prior art with respect to the present application and reserves the option to swear behind *Walker* by means of a declaration under 37 C.F.R. §131. Because *Walker* does not teach or suggest each and every element of the rejected claims, Applicants respectfully traverse this rejection in view of the following remarks.

*Walker* teaches a system including three entities: a controller, an intermediary or merchant, and a user or consumer. Paragraphs 40 and 43. The controller generates a plurality of "outcomes" and a corresponding plurality of codes that are used to unlock rewards defined by the outcomes. Paragraph 37. The outcomes are provided to users by the controller. Paragraph 43. The users then obtain the corresponding codes from an intermediary by performing "qualifying actions" such as purchasing products from the intermediary. Paragraph 44. The users redeem the outcomes by presenting the outcome and code to the controller. Paragraph 116. In some instances, the user may redeem the outcomes by contacting the intermediary,

which then contacts the controller for reimbursement. Paragraph 118. A user may have an account with the controller that is accessed by the user using authentication information, such as a password. Paragraph 117 (“... the user may send a password, voice biometric, photograph, etc., to the controller 52 that enables a user to access an account the user has with the controller 52.”).

In contrast, amended claim 60 recites:

- “receiving an instruction via a thin client device to perform a transaction;
- “interacting with a vendor server to request the transaction;
- “receiving authorization at a central depository from the thin client device for the vendor server to access an information account associated with a consumer and maintained in the central data repository and accessible via a distributed network, the information account comprising a plurality of accessible and modifiable consumer information elements; and
- “accessing the information account to retrieve a payment identifier and providing the payment identifier to the vendor server to complete the transaction.”

*Walker* fails to teach or suggest such a method. For example, under no circumstances does the controller of *Walker* “access[] [an] information account to retrieve a payment identifier and provid[e] the payment identifier to [a] vendor server to complete [a] transaction” as recited in claim 60. The user accounts in *Walker* are mentioned only briefly and are not described as ever being accessed by or for the intermediary. The user accounts in *Walker* are further not disclosed as being accessed to retrieve a payment identifier that is used by the intermediary to complete a transaction.

The controller of *Walker* further does not “receive[] authorization at the central depository from the consumer for the vendor server to access [the] information account.” As already noted, the intermediary of *Walker* does not access user accounts. It is therefore readily apparent that no authorization for such access is provided.

With respect to claim 62, the *Walker* does not teach the elements of “retrieving consumer preferences for the transaction from [an] information account” and “communicating the consumer preferences to the vendor server.” Under no circumstances are any preferences from the user accounts in *Walker* provided to the intermediary.

With respect to claim 63, the *Walker* does not teach the elements of “authenticating the consumer based on the authentication information prior to interacting with the vendor database.” *Walker* does not teach any interaction of a user with a database of the intermediary and further does not discuss anything corresponding to authentication element.

Claims 61-67 are dependent on allowable claim 60 and are therefore allowable for at least the reasons discussed hereinabove.

### **CONCLUSION**

In view of the foregoing, Applicant believes the claims as amended are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner’s Amendment, the Examiner is requested to contact the undersigned attorney.

Dated this 28<sup>th</sup> day of July, 2008

Respectfully submitted,

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